

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
MAY 20, 2015**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, May 20, 2015, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

Roll Call.

Clerk-Treasurer Juanita S. Boehm called the roll.

Mayor Terry Seitz	Present
Council members:	
Gregory Schnarr	Present
David Prechtel	Present
Thomas Schmidt	Present
Earl Schmitt	Present
Kevin Manley	Present
Randall Buchta	Present
Raymond Howard	Absent
City Attorney Renee Kabrick	Present
Clerk-Treasurer Juanita S. Boehm	Present

Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. Six of the seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Pledge of Allegiance. Mayor Seitz invited all those present to join him in reciting the Pledge of Allegiance.

Approval of the Minutes.

The following minutes were distributed to and examined by the Council:

1. April 22, 2015 regular common council meeting

A motion was made by Council member Kevin Manley and seconded by Council member David Prechtel to approve the minutes as presented. Motion carried 6-0.

Public hearing. Mayor Seitz opened the public hearing concerning Ordinance No. 2015-14 that revises the water utility rates and charges.

A notice concerning the public hearing appeared in the Herald on May 1, 2015. A notice was also posted at city hall, faxed to the news media, and mailed to the water utility customers located outside the city limits.

Mayor Seitz asked for comments from the public. No comments were received.

Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to close the public hearing. Motion carried 6-0 and the public hearing was closed.

ORDINANCE NO. 2015-14 AN ORDINANCE FIXING A SCHEDULE OF REVISED RATES AND CHARGES FOR THE SALE OF WATER BY THE JASPER MUNICIPAL WATER UTILITY [AMEND ORDINANCE NO. 2015-2]

This ordinance revises the water utility rates and charges for the billings which occur after July 1, 2015.

First reading of this ordinance was held April 22, 2015. A public hearing was held earlier this evening.

A motion was made by Council member Randall Buchta and seconded by Council member Gregory Schnarr to read the ordinance by title only on second reading. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member David Prechtel to approve the ordinance on second reading. Motion carried 6-0.

A motion was made by Council member Randall Buchta and seconded by Council member Thomas Schmidt to read the ordinance by title only on third and final reading. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Earl Schmitt and seconded by Council member David Prechtel to pass and adopt Ordinance No. 2015-14 on third and final reading. Motion carried 6-0.

Public hearing. Mayor Seitz then opened the public hearing concerning the petition of Albert and Otilia LLC to vacate a portion of platted right-of-way at Second and Main Streets.

A notice concerning the public hearing appeared in the Herald on May 7, 2015. A notice was also posted at city hall and faxed to the news media.

Bill Kaiser with Bingham Greenebaum Doll LLP said he was representing Albert and Otilia LLC. Kaiser said Mr. Andy Fritch, owner of Headquarters Restaurant, has stated that he is interested in pursuing the vacation of the former Second Street in order to obtain title to half of that existing right-of-way adjacent to his restaurant. They are asking to vacate this 60 ft right-of-way that is no longer used as a street. If the area is vacated, 30 ft to the north would go to Albert and Otilia LLC and 30 ft to the south would go to the City of Jasper. Kaiser displayed a map and an aerial photo of proposed area.

Mayor Seitz then asked for comments from the public. No comments were received.

Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Earl Schmitt to close the public hearing. Motion carried 6-0 and the public hearing was closed.

ORDINANCE NO. 2015-15 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY (FORMERLY 2ND STREET)

This ordinance vacates part of 2nd Street located near Headquarters Restaurant at 2nd and Main Streets. Petition by Albert and Otilia LLC.

A motion was made by Council member David Prechtel and seconded by Council member Earl Schmitt to consider the ordinance for one reading only. Motion carried 6-0. Thereafter, a motion was made by Council member Thomas Schmidt and seconded by Council member Randall Buchta to read the ordinance by title only. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Randall Buchta and seconded by Council member Kevin Manley to pass and adopt Ordinance No. 2015-15. Motion carried 6-0.

RDC WANTS TO SEEK RFPS FOR PROPOSED DOWNTOWN PROJECT.

Andy Seger, a member of the Redevelopment Commission, addressed the Council. He stated that after handing oversight of the Parklands property/project to the Park Board as planned, he and John Bell met with the Mayor, Renee and Darla and then separately with Kevin and Randy from the Council, to discuss how the RDC could be helpful in facilitating additional projects for the benefit of Jasper. There were two primary items discussed – first, helping to complete the TIF project in full cooperation with the Mayor and his team and the Council; and second, helping to evaluate and shape the downtown project. Once TIF was approved, the RDC has shifted focus to helping facilitate the downtown plans. Andy and John met with the Mayor, Renee, Darla and City Visions a couple of times, and since that time Andy and John have had two meetings with the Mayor, Renee, Darla, Juanita, Sharon, Randy and Earl from the Council.

The downtown plans now need to be turned over to an engineering group to develop detailed plans as the next step to evaluate project scope, phasing and costs – both for detailed plans to be created and for overall project. Seger said the RDC would like to move forward and draft a RFP proposal for the downtown project. The RFP will include inquiry regarding charges for detailed plans to be completed for downtown project. This would include parking/traffic flows, as well as overall cost of project and timing/phasing. After a draft of the RFP is completed, it will be circulated to different groups for approval. Seger added that the RDC is not asking for any funding or appropriations at this point, just asking for permission to proceed with working on a RFP.

Council member Kevin Manley said obtaining information from an engineering firm is what the City needs and has been waiting for. The council members agreed that the RDC could proceed with drafting a RFP.

Utility Service Board. General Manager of Utilities Gerald ‘Bud’ Hauersperger gave a report on the regular monthly Utility Service Board meeting held on May 18, 2015. A copy of the Utility Service Board minutes is supplied to each council member.

Review tax abatement compliance form [CF-1/PP]-Stens LLC. At the April 22, 2015 council meeting, consideration of Stens CF-1/PP form was tabled until the next meeting because the council felt Stens needed to provide better clarification of the salary amounts reported on the form and explain why they are 70 jobs short of the estimated amount of additional employees they said they would add.

The project estimated completion date was December 31, 2013. Stens estimated adding 98 employees for an estimated payroll of \$3,656,000. The 2015 pay 2016 CF-1/PP form shows Stens added 28 employees for an actual payroll of \$1,294,113. On the 2014 pay 2015 form submitted last year, it showed 20 employees were added meaning only 8 employees were added this past year.

For the May council meeting, Stens submitted a response that said in part; while we are growing and adding positions, we are not adding as many positions as we had forecasted. We’ve had challenges over the last few years that have prevented us from hiring at the forecasted rate. These challenges include the following: 1. Seasonality of our business; 2. Acquisition and merger; and 3. Healthcare costs. An explanation was listed with each challenge.

No one representing Stens was present.

Council member Gregory Schnarr said they are far off from their estimated hiring numbers and salary amounts. The reasons he gave last month are still the same and he is of the opinion that Stens is not in substantial compliance with its statement of benefits. Council member David Prechtel agreed.

City Attorney Renee Kabrick said if a property owner is found not in substantial compliance, the property owner shall receive the opportunity for a hearing. The property owner must receive written notice that includes the reasons for the determination, and the date, time, and place of a hearing.

A motion was made by Council member Gregory Schnarr and seconded by Council member Thomas Schmidt to find Stens not in substantial compliance with its tax abatement statement of benefits. Motion carried 6-0.

Andy Seger, president of the Economic Development Commission [EDC], said the EDC takes the tax abatement applications very seriously and the City needs to know what Stens plans are. Seger said a representative from the EDC will attend the hearing.

Review tax abatement compliance forms [CF-1]-Jasper Chair Company Inc. Copies of the Compliance with Statement of Benefits Form for real property tax abatement [Form CF-1/real property] and for personal property tax abatement [Form CF-1/PP] for Jasper Chair Company Inc for 2015 pay 2016 were previously distributed to the council members for their review.

Jeff Barth, president of Jasper Chair Company Inc, was present. Their project completion date was estimated for August 2014. They have exceeded their project cost estimates and the number of additional employees.

A motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to find that Jasper Chair Company Inc is in substantial compliance with its statement of benefits for personal property and for real property [CF-1/PP and CF-1/real property]. Motion carried 6-0.

Review tax abatement compliance form [CF-1/PP]-Cash Waggner & Associates P.C. Copies of the Compliance with Statement of Benefits Form for personal property for 2015 pay 2016 from Cash Waggner & Associates P.C. were previously submitted to the council members for their review.

Nathan Waggner, president of Cash Waggner & Associates P.C. was present.

Council member Gregory Schnarr noted that the estimated project completion date is June 30, 2015. They have purchased more than the estimated IT equipment but have only hired two of the five estimated additional employees. Schnarr asked Waggner if they will be on track with hiring employees. Waggner said they have already hired two more employees and have plans to hire more.

A motion was made by Council member Kevin Manley and seconded by Council member David Prechtel to find that Cash Waggner & Associates P.C. is in substantial compliance with its statement of benefits for personal property [CF-1/PP]. Motion carried 6-0.

Review tax abatement compliance form [CF-1/real property]-3 Pepls Properties LLC. Copies of the Compliance with Statement of Benefits Form for real property for 2015 pay 2016 from 3 Pepls Properties LLC were previously submitted to the council members for their review.

Nathan Waggner, member of 3 Pepls Properties LLC, was present.

A motion was made by Council member Gregory Schnarr and seconded by Council member Earl Schmitt to find that 3 Pepls Properties LLC is in substantial compliance with its statement of benefits for real property [CF-1/real property]. Motion carried 6-0.

Review tax abatement compliance form [CF-1/PP]-Meyer Distributing Inc. and Review tax abatement compliance form [CF-1/real property]-Braun Family Properties LLC Copies of the Compliance with Statement of Benefits

Form for personal property for 2015 pay 2016 from Meyer Distributing Inc and copies of the Compliance with Statement of Benefits Form for real property for 2015 pay 2016 from Braun Family Properties LLC were previously submitted to the council members for their review.

Gary Brick who works for a CPA firm that has Mike Braun for a client, and Greg Hochgesang, a controller for Meyer Distributing Inc, were present.

Council member Thomas Schmidt asked Hochgesang if they are having trouble finding employees. Hochgesang said because of turnover, they may have to hire 20-30 people to fill 10 positions but they have been hiring.

Council member Gregory Schnarr noted that Braun Family Properties estimated they would add 83 employees for an estimated payroll of \$2,677,341. The CF-1 form shows 84 employees were added with \$2,146,817 reported for the actual salaries. Brick said some employees were not hired until late in the year, therefore, wages for a partial year instead of a full year are listed for them for this reporting year.

A motion was made by Council member Kevin Manley and seconded by Council member Thomas Schmidt to find that Meyer Distributing Inc is in substantial compliance with its statement of benefits for personal property [CF-1/PP]. Motion carried 6-0.

Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Earl Schmitt to find that Braun Family Properties LLC is in substantial compliance with its statement of benefits for real property [CF-1/real property]. Motion carried 6-0.

JCAC. Jasper Community Arts Commission member Mike Jones attended the meeting on behalf of the Board.

Adjournment. There being no further business to come before the board, a motion was made by Council member Thomas Schmidt and seconded by Council member David Prechtel to adjourn the meeting. The motion carried 6-0 and the meeting adjourned at 7:49 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 17th day of June, 2015.

**Mayor Terry Seitz,
Presiding Officer**

Attest: _____
Juanita S. Boehm, Clerk-Treasurer